

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

INITIAL STATEMENT OF REASONSCALIFORNIA CODE OF REGULATIONS

Title 8: Chapter 4, Subchapter 13, Article 5, Section 6283(a) of the  
Logging and Sawmill Safety Orders

Leg Protection for Portable Chain Saw OperationsSUMMARY

This rulemaking action was initiated at the request of the Division of Occupational Safety and Health (Division). In a memorandum from the Division to the Occupational Safety and Health Standards Board (Board) dated June 6, 2001, the Division asserted that the existing requirements in Logging and Sawmill Safety Orders, Section 6283(a) do not provide employers clear and specific information as to what constitutes minimally acceptable leg protection for chain saw operators. While the standard specifies that chain saw operators must wear leg protection, such as protective chaps, pads, or inserts, design criteria are lacking to ensure that the leg protection is designed for effective use.

In order to clarify certain acceptable leg protection for logging employees using chain saws, amendments are proposed for Section 6283(a) to require that protective garments, such as chaps, meet the specifications of American Society for Testing and Materials (ASTM) F 1897-98, Standard Specification for Leg Protection for Chain Saw Users.

SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTIONSection 6283. Portable Chain Saw Operations.Subsection (a)

Section 6283 provides the general requirements for portable chain saw operations. Existing subsection (a) requires that logging employees who operate chain saws shall use leg protection (chaps, pads, or inserts). An amendment is proposed for subsection (a) to require that leg protection such as chaps, inserts, or other protective garments or devices be labeled as meeting the specifications of ASTM F 1897-98, Standard Specification for Leg Protection for Chain Saw Users. The existing standard does not specify the minimum design standards that protective garments must conform to and ineffective materials could be used that result in injuries. The ASTM F 1897-98 standard is proposed as a labeling requirement because it specifies the design of protective garments for leg protection and includes inspection and performance testing for the manufacturer in order to ensure the effectiveness of the cut-resistant materials used. Leg

protection for chain saw users is labeled by manufacturers as meeting the ASTM F 1897 Standard. Therefore, the employer will need to verify that the protective wear used is labeled as meeting the ASTM F 1897 Standard. The amendment is necessary to specify an industry accepted national consensus standard to address the appropriate design criteria for chain saw operator leg protection.

#### DOCUMENTS RELIED UPON

1. Memorandum dated June 6, 2001, from John Howard, Chief, Division of Occupational Safety and Health, with Cal/OSHA 9 form and attachments to John MacLeod, Executive Officer, Occupational Safety and Health Standards Board.
2. American Society For Testing and Materials (ASTM) F 1897 – 98, Standard for Leg Protection for Chain Saw Users.

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

#### SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

#### COST ESTIMATES OF PROPOSED ACTION

##### Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

##### Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

### Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal merely requires that leg protection used by chain saw operators will meet the specifications of the appropriate national consensus standard (ASTM F 1897-98, Standard Specification for Leg Protection for Chain Saw Users). According to contacts within the logging industry, it is already industry practice for chain saw operators to use leg protection that conforms to the requirements of the ASTM F 1897-98 standard.

### Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action, as the proposal reflects the industry practice.

### Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

### Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

### Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

## DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendment will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, this standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed standard does not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated, as the proposal reflects the industry standard.

#### ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.